IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR No. 2395 of 2007

DATE OF DECISION: 21.5.2007

Charanjit Singh ...PETITIONER

VERSUS

Maruti Countrywide Auto Financial Services Ltd. and others ...RESPONDENTS

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Ramesh Sharma, Advocate for the petitioner

Permod Kohli (Oral)

This revision is directed against the order dated 10.8.2006 passed by the learned Additional District Judge, Chandigarh, dismissing Civil Misc. Appeal against the order dated 17.3.2006 passed by the Civil Judge (Jr.Division), Chandigarh.

From the impugned orders, it appears that the plaintiff/petitioner had secured loan of Rs.1.94 lacs from the respondents-Company for purchase of the Maruti vehicle. The plaintiff/petitioner agreed for payment of the amount by 81

monthly instalments of Rs.3522/- and he also issued cheques in advance for payment of the instalments. Thereafter the plaintiff/petitioner filed a suit for mandatory injunction seeking a restraint order against the respondents-Company from effecting recovery of the amount by presenting cheques for encashment of Rs.3522/- p.m. and also prayed for reduction of the amount of instalments to Rs.2574.25 p.m instead of Rs.3522/- p.m. The trial court dismissed the application under Order 39 Rules 1 and 2 holding that the plaintiff has not been able to prima facie establish any case in his favour. The trial court also held that since it is a money transaction, the plaintiff will no suffer any irreparable loss and injury. The Appellate Court concurred with the findings of the trial court. I have perused the orders of both the courts below. I find no legal infirmity in the impugned orders.

In view of the above, I find no merit in this petition which is accordingly dismissed.

(PERMOD KOHLI)
JUDGE

21.5.2007
MFK

NOTE: Whether to be referred to the Reporter or not:YES/NO